

This agreement will lead to greater efficiency in providing ocean transportation services to U.S. importers and exporters, and will benefit American consumers. U.S. importers and exporters will now, under the reforms of S. 414, be able to enter into more comprehensive and productive contractual relationships with ocean carriers. At the same time, S. 414 provides important protections for ports and labor which will safeguard their interests in a more deregulated environment.

Mrs. HUTCHISON. Mr. President, I'd like to join my colleagues in commending the industry representatives for their efforts in crafting the modifications which have allowed them to join together in support of ocean shipping reform. The scope of industry support is impressive and includes U.S. and foreign flag carriers, the National Industrial Transportation League, the American Association of Port Authorities, and organized labor.

I would like to detail some of the modifications to the manager's amendment of S. 414. I believe these modifications show how much thought and work have gone into this agreement. Those modifications being made to the manager's amendment of S. 414 are as follows:

1. Amend section 8(c) of the 1984 Act to provide that all service contracts are treated in a uniform manner. Individual ocean carrier and agreement service contracts would be filed confidentially with the FMC, and an abbreviated set of essential terms would be made publicly available. A similar uniform method of contract regulation was unanimously adopted by the Senate Committee on Commerce, Science, and Transportation for S. 414 and was included in the bill as reported. This addresses the core concern and goal of shippers and various carriers who want to be able to enter into contracts with confidential rates and service terms. At the same time, it allows for some transparency, thereby addressing the concerns of ports, labor and some small shippers and carrier interests.

2. Revise section 8(c) of the 1984 Act to provide for a mechanism for labor organizations to obtain information on the movement of cargo in the dock or port area that would otherwise not be disclosed as a result of these amended service contract publication requirements. This will help these organizations to continue to enforce their collective bargaining agreements with ocean carriers.

3. Continue the existing requirement that NVOCCs offer their services to shippers pursuant to tariffs, instead of service contracts. NVOCCs, as shippers, are free to pursue the purchase of ocean carrier service through the amended service contract process.

4. Amend section 10(c)(4) of the 1984 Act to permit ocean carriers to jointly negotiate U.S. inland transportation rates and services with truck, rail or air carriers when such negotiations are subject to pro-competitive restrictions,

such as the antitrust laws. Today, ocean carriers cooperate with respect to the utilization of space on vessels. Enabling them to cooperate in connection with rail service, for example, will allow for greater efficiencies. Such cooperation could improve movement of containers in and out of the port area.

5. Revise section 13(f) of the 1984 Act to make clear that, while a common carrier may be penalized for charging shippers less than its tariff or service contract rates, a carrier should not be able to collect from the shipper the difference between the tariff or contract rate and the rate actually charged and agreed upon in writing. The collection of these so-called "undercharges" was a major problem for shippers when the trucking industry was deregulated. We want to avoid any recurrence of that problem in connection with ocean shipping reform.

Finally, we will clarify that members of an agreement will not be penalized under the revised 1984 Act because a member divulges confidential service contract information. The offending member will be liable for breach of contract damages, but the government should have no role in policing the confidential agreements of carriers and shippers. While no revision to S. 414 is needed to accomplish this objective, an appropriate statement of clarification will be made by the managers of the bill.

Mr. President, again let me express my appreciation to all those who have worked on and support these modifications and the passage of meaningful ocean shipping reform. I and my colleagues, as well as the maritime industry, look forward to enacting this bill this year.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a withdrawal and sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:40 a.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1544. An act to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits.

H.R. 2181. An act to ensure the safety of witnesses and to promote notification of the

interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1544. An act to prevent Federal agencies from pursuing policies of unjustifiable nonacquiescence in, and relitigation of, precedents established in the Federal judicial circuits; to the Committee on the Judiciary.

H.R. 2181. An act to ensure the safety of witnesses and to promote notification of the interstate relocation of witnesses by States and localities engaging in that relocation, and for other purposes; to the Committee on the Judiciary.

ENROLLED BILLS SIGNED

The following enrolled bills, previously signed by the Speaker of the House, were signed on February 25, 1998, by the President pro tempore (Mr. THURMOND):

S. 916. An act to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the "Blaine H. Eaton Post Office Building."

S. 985. An act to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the "Larry Doby Post Office."

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on February 26, 1998 he had presented to the President of the United States, the following enrolled bills:

S. 916. An act to designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the "Blaine H. Eaton Post Office Building."

S. 985. An act to designate the post office located at 194 Ward Street in Paterson, New Jersey, as the "Larry Doby Post Office."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, with an amendment in the nature of a substitute:

H.R. 1534. A bill to simplify and expedite access to the Federal courts for injured parties whose rights and privileges, secured by the United States Constitution, have been deprived by final actions of Federal agencies, or other government officials or entities acting under color of State law; to prevent Federal courts from abstaining from exercising Federal jurisdiction in actions where no State law claim is alleged; to permit certification of unsettled State law questions that are essential to resolving Federal claims arising under the Constitution; and to clarify when government action is sufficiently final to ripen certain Federal claims arising under the Constitution.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. Res. 181. A resolution expressing the sense of the Senate that on March 2nd, every child in America should be in the company of someone who will read to him or her.